

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
November 13, 2014
7:00 PM

Charlotte Quiggle called the meeting to order at 7:00 pm on November 13, 2014.

Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Larry Smith; Lee Parks; Trish Taylor; Larry Thompson, Ben Oleson (Zoning Administrator).

Absent: Jeff Lundquist, Barry Schultz

Others in Attendance: Larry & Loretta Peterson, James Dierkes, Mel Dykhuizen, Tony Rieger-Borer, Jenna Potter, Rand & Mary Lefebre, Craig Wensmann, Rhonda Hiler, Dick Naaktgeboren

Additions or Deletions to the Agenda: Thompson made a motion to approve the agenda as presented. Smith seconded the motion. Motion carried unanimously.

Public Hearings:

- a. Preliminary Plat and Conditional Use Application for a one lot plat (2.79 acres) to allow for sale separate from an adjacent lakeshore lot.
 - i. Applicant: Lester and Linda Cantin
 - ii. Property address: 10611 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 11-121-027
 - iv. Parcel number(s): 206072000090 and 206072000250

Present: Jenna Potter, Craig Wensmann

Potter: We are back from the last meeting with the Preliminary plat for a one lot plat.

Oleson: We are familiar with this property what they are asking for since they have been here the last couple of months. They are proposing to plat an existing parcel (206-072-000250), which is currently required to be attached to Lot 9 of Shelmire Beach by a 1999 Wright County board of Adjustment action, to be platted as its own lot so that it may be sold and developed separately from Lot 9 Shelmire Beach. It is zoned R1 set up for 1 acre minimum lot size and they are exceeding that requirement. There was a question as to if they were going to be able to get two sewer drain fields on the property, they have done some soil borings which indicated they could get two sewer systems in. They are proposing this be a buildable lot, and they have identified a site that the house could be placed on the lot. This is a township road with 33ft right of ways. The Township board indicated that there is a 66 ft road coming into the property. It is a low area and it tends to collect water from the farm above. The water flows down from the field area and tends to sit in the low area. There has been some discussion regarding drainage issues. We have letter from soil and water that addresses some of those issues, however, it does not show that it is in a wet land area. There are some letters regarding is the land would support a building, I talked to the building authority for the Township and he indicated it did not look like there were any issues with the soil. Concerns were indicated about the drainfield. I think the major question is the drainage to make sure it does not get worse in

that area, and making sure that it is a suitable building site and there are some ownership issues. There are other owners than the Cantin's since it is currently tied to lot 9, in talking to the Township Attorney he recommends that those owners sign off on this application. The owners are aware of what is going on, however, they have not signed off. Attorney did say if you do you approve, you could do so with the condition that the owner sign off.

Audience - None

Taylor: The biggest concern is the drainage and if they could build on that and that the owners need to sign off and quick claim deed needs to be filed. I am glad to see the full survey.

Smith: Similar to Taylor also just really concerned with the location of the house with as much low land that is there and making sure we are creating more drainage issues.

Parks: We are looking at only one lot?

Oleson: This was all one outlot and in 1999 it was split in two and it was then tied to the lake lot. They could have done the platting back then and they decided not to go through with that at the time. It is just a one lot plat at this time.

Parks: I have the same concerns as Smith.

Thompson: I have the same concerns. I am concerned why we did not hear about the ownership issue last month. My concern is we have an owner that is a different than who is sitting in front of us. This owner has indicated they are aware of the intent but they were unaware that the Cantins wanted to make it a buildable lot and they are not in favor of that.

Potter: It has been something that was known and we did talk about there being a quick claim deed.

Quiggle: Question for Ben, given the lowlands and the elevations of the building pad where they have it placed right now and it will require almost 3 feet of fill will it need a variance or conditional use permit to bring in that amount of fill?

Oleson: They generally do not count the soil going under the home. Anything over 50 cubic yards would require one if it would be outside of the dimensions of the home. It is up for discussion and they tend to take it on a case by case basis. They typically do not count the house pad and the driveway as long as it is not some major alteration of the landscape. However we can discuss that and put conditions on it.

Quiggle: My thought it would be in excess of the 50 cu yards and if the shoreland rules say that if you are building in a shoreland area it should be buildable in its existing state, and bringing in that much fill just to get to 4ft over the highest known water level I don't know that it is suited in its existing state. I'm not sure it is suited for a house. Could we do the plat as requested to clear up this sale, but not do it as a residential lot and make it open space? Not an ideal location and not to mention the drainage issue. Wondering what everyone else thinks?

Smith: I think the homeowners have that thought and think they are right about not having a residential buildable lot.

Wensmann: We put the house location just as a thought, there is more buildable areas on the property within the setbacks. It only needs a foot of fill under the house to get to the 4ft of the highest known water level if you put it just north of the septic system and you would have to add a driveway, but there are no wetlands that would be crossed. There are other areas that could support the structure. It is buildable, and if it is possible to plat this as a non-buildable lot we are fine with that too.

Quiggle: I think it is marginally buildable with the low area's and drainage issues

Potter: They found out it was buildable and that was nice, but they will be fine with it being a non-buildable lot also.

Lee: Engineer says that it is buildable?

Wensmann: Yes and indicated that adding a house will not change alter the existing drainage conditions.

Quiggle: However, they have not been on site.

Taylor: Looking at all the soil boings - were percs done?

Wensmann: No percs, just soil types and we have enough clearance to support a type 1 mound septic, so the science says it will work.

Taylor: Sometimes what it says and what it is are two different things. With platting it needs to be decided if it is buildable or non- buildable.

Oleson: If you're going that route are you saying that forever it's not buildable? Or are you saying that if they provide certain information it can be built on with more detailed engineering or efforts to try and slow drainage from the farmer. If you're going to go the route of approving without a building, based on one that the current property owners do not want to build on it, but what if someone in the future wants to build? We don't have to answer that question today, but should maybe talk about it. We can deal with that if it happens in the future.

Taylor: I am ok with non-buildable at this time and if someone in the further came in and said they have all the studies done to show that the drainage was taken care of.

Potter: Are you saying this property or the property around it with the drainage?

Taylor: I am talking about the water that sits on this property whether it comes from other properties around it or not.

Quiggle: There is no storm water management plan done at this time. Is that a condition?

Oleson: It is not required but yes I think that it is fair to look at drainage and require a plan.

Taylor: Approve the plat non-buildable with the idea that there may be criteria that changes that in the future. My other feeling is that the owners have to sign off and quit claim deed filed.

Potter: That is already in place once we have the approval.

Oleson: The quit claim deed has already been signed by both parties, just the application has not been signed.

Potter: So, if the Cantin's go to sell in the future would it be listed as a non-buildable lot with the possibility to build?

Quiggle: No it would be listed as a non-buildable lot.

Naaktgeboren: Put a deed restriction on it and you're done.

Oleson: one thing I would raise is if not buildable for a house, do you want to indicate that the garage could or could not be enlarged and if fill could be brought in if you want that.

Thompson made a motion that we recommend the approval of the preliminary plat and Conditional Use application for a one lot plat (2.79 acres) to allow for sale separate from the adjacent lakeshore lot (lot 9 of Shelmire Beach) as a non-buildable lot. Putting on a deed restriction that it is a non-buildable lot with the following conditions:

1. Sign off on the application by the current property owner

Smith seconded the motion.

Quiggle: I would like to say that the garages cannot be enlarged, they cannot have a business there, and they cannot have fill brought in. How are they are on the limit of accessory structures?

Oleson: The limit is 2000 sq feet and they are already over so we are already covered so we do not have to mention that.

Passed unanimously.

- b. Rezoning of a 39.2 acre property from General Agricultural (AG) to Agricultural/Residential (A/R) with a Planned Unit Development (PUD) overlay.
 - v. Applicant: Tony & Jeanette Rieger-Borer
 - vi. Property address: 11754 & 11988 Jarvis Ave NW
 - vii. Sec/Twp/Range: 03-121-027
 - viii. Parcel number(s): 206000032200

Present: Tony Rieger-Borer

Rieger-Borer: I forced the situation on myself, with my existing house and have a court date next Monday with the county. Looking at what the possibilities of what to do this to the site. I had a conditional use permit when I built a new home was to tear down the existing house or turn it into a business. I have not taken it down and I have not turned it into a business yet. I have some friends that needed a home since they lost theirs and have allowed them to stay in the home. They have spent some money to fix it up. No one told me to tear it down in 4 years until I had someone living there. There may have been a time frame on it, not sure if that was from when I got the CUP or from when I occupied the new home. I did not move into the new home for about three years from when I started. I have been living in my new home for about 4-5 years. I am not disputing the fact that I agreed to the CUP. I don't know that I would have gone this route at this time, but I am looking at conservation and development and do not want to see all of it developed. Looking at 4 parcels and having them clustered rather than larger acreage lots. I would like to allow the current people to live there still.

Oleson: The request is for rezoning, it is zoned AG right now and the rules for that is one home per 40 acres and that is the reason for the CUP in 2007 to either tear down the old home or turn it into a business. This concept plan is just that a concept, it is not something we are moving on or acting on today. It is a preliminary concept plan for how the land could be subdivided into a Rural PUD that would allow for up to five dwelling lots and one common lot. They want it to be rezoned from AG to AG/RES with a PUD overlay, so it can be done in cluster style so they do not have to be 10 acre parcels. That is all that is being asked for right now. It would have to be approved by the County to be rezoned if it is approved at the County then they would have to come back for the sub-division. In looking at the future land use plan in this case the Township does not prohibit it, they do not like AG/RES and encourage the clustering that is why they are looking at the PUD overlay. You have to look at the land use around it and will it be out of character with the land around it. The County will have the final decision. It is surrounded by DNR land, and there is private farming land around it. They have the existing house they are living in and the existing house that was to be torn down or turned into a business. There can be hunting on the DNR areas. The laws are normally you cannot discarding within 500 feet of a home.

Rieger-Borer: I have been told by the DNR is that it was 500ft and there is a large wetland in the area.

Audience: **Loretta Peterson** is this a housing a development eventually? **James Dierkes** after you get this thing AG/RES and you sell the property to someone else what could they do with it? You say you're only going to have 4 additional but what if someone else wants more? My main concern is that if it says 1 per 40 it should stay that. **Mary Levefbe** My concern is that we have a farm just down the road. We had this happen to us in Otsego where people started developing the land and it drove the farmers out of the area. We would like to see it stay zoned AG. **John Dearing** I don't see rezoning just to bring him in compliance with not tearing his house down.

Quiggle: that is what he would be able to do, not sure what he would do at this time.

Rieger-Borer: There would be the possibility of 4 additional home sites and there would be 20 acres of open area. I am not sure how that would work if someone else owns the property in the future. The way I have the concept done is that there would only be 4 more in addition to the one that is already there.

Smith: My issue is that it does not fit in future use for the township or the county.

Parks: I am thinking you have to comply with the original condition of the CUP before we do anything.

Thompson: I do not feel that fits the overall plan and we are trying to make an excuse for not doing what should have been done before.

Taylor: I agree with complying with the conditional use first and then look rezoning.

Quiggle: I agree it does not conform to the township or the county future land use plan. When the plan indicates that we would look at changes to the plan it refers to growth pressure to build in this area and we do not have that. The farmers want it to remain a farming area and it would be spot zoning if we approved.

Rieger-Borer: It is unprecedented to have 4 homes on 40 acres in the township?

Quiggle: It is not in the land use plan so it is unprecedented in my mind. It is not in any future land use to be rezoned.

Smith made a motion to recommend the denial of the request to rezone from AG to A/R.

Parks seconded the motion. Motion passed unanimously.

Township is not the final say of the rezoning, our recommendation for denial will go to the town board. The town board will make their recommendation and you still have the option of going to the Wright County.

Trish made a motion to approve the previous meeting minutes of October 14, 2014. Smith seconded the. Motion passed unanimously

Oleson: Marty Ferguson with FS3 is adding on to his building which he was already in for, when talking with the builder he asked why he was enclosing by the overhead door so that it would help with run off. The issue with this change is that is that he has a 50ft set back from property line. The question is does he need a new variance for this? Arguably we already granted the variance to be within 50 ft set back. He is getting closer than what he was approved for. Smith & Quiggle agreed that we are setting a precedence if we allow him to not come and ask for the change and he is getting closer to the downslope.

Zoning Administrator's Report

Permits: Reviewed - Ben indicated that he has been going out and following up on some of the variance's that have approved and taking pictures to be sure conditions have been met.

Enforcement Actions: None

Findings of Fact - Previous PC/BOA Decisions: Tabled

Other Business

Comprehensive Plan Update (if time allows)

Parks made a motion to adjourn at 8:45 pm, Smith seconded the motion. Motion passed unanimously.

Minutes prepared by Jean Just